IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 977 OF 2007

Suresh D. Jain .... Petitioner

versus

Returning officer and ors..... Respondent.

Shri Jagdish R. Chomal for the petitioner

shri N.N.Bhadrashete for the respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 23RD JULY, 2007

P.C.;

1. By this petition, the petitioner questions the legality and validity of the order passed by the Returning Officer rejecting the nomination paper of the present petitioner on the ground of non-compliance of section 73(1AB) which requires the mebers of the comnittee to execute a bond in terms of sub section (1AB). The present petitioner was member of the managing committee in the earlier term and had failed to execute the bond. The learned counsel for the petitioner submits that unless and until the order under section 78 is passed, the petitioner could not have been held to be incurring disqualification under 73 (1AB).

2. What is to be seen is that the rejection of the

nomination is dated 1-1-2007 and the election has been held and result thereof was declared on 28-1-2007. As the election is already held, I decline to entertain the writ petition as an efficacious alternate remedy in the form of election petiiton is available to the petitioner. Writ petition is thus summarily dismissed. It is expressly made clear that it shall be open for the petitioner to file appropriate election petition before the proper forum, in accordance with law.

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